

REMARKS

Claims 14-28 are pending in this application. Claims 1-13 and 29-34 were canceled. Claims 14, and 16-28 are previously presented. Claim 15 is original. No new matter is added. Claims 14-18, 20-21, and 23-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,065,485 to Zocco (hereinafter "Zocco"). Claims 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zocco. Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zocco in view of U.S. Pat. No. 6,263,533 to Dimitry et al. (hereinafter "Dimitry"). Applicants hereby traverse the rejections and respectfully request reconsideration in view of the remarks set forth below.

- I. Zocco does not describe that a portion of an innercore bottom surface is joined to a bottom panel by an adhesive in a region proximate to a perimeter sidewall and that a remaining portion of the bottom surface is unattached to the bottom panel.

According to the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP 2131).

Independent claim 14 is generally directed to a mattress including a substantially rigid bottom panel, a perimeter sidewall, and an innercore having a bottom surface. The bottom panel and the perimeter sidewall are joined and define an interior cavity. The innercore is disposed within the cavity, and a portion of the innercore bottom surface is joined to the bottom panel by an adhesive in a region proximate to the perimeter sidewall. A remaining portion of the bottom surface is unattached to the bottom panel. Independent claim 16 is directed to similar subject matter as claim 14. Zocco does not describe each and every element of this claimed subject matter.

The Examiner alleges that Zocco, in column 3, line 64 to column 4, line 2, discloses "wherein said portion of the bottom surface of the . . . innercore is joined to the bottom panel by an adhesive wherein the adhesive [is] applied in a region proximate to the perimeter of the side wall with a remaining portion being unattached to the bottom panel" (Action, p. 2). Applicants

respectfully dispute this allegation. The cited section of Zocco merely states that the bottom of a first filling layer is glued to a bottom surface:

A filling material (3) is then laid into the opening (2) in the frame. The filling material (3) may be made of any common mattress filling material, such as cotton, foam, poly-foam, wool or other fibers. The first layer of filling material (3) may be glued to the inside surface of the bottom panel (10). Either one or several layers of filling material may be used (Zocco, col. 3, line 64 – col. 4, line 2).

Zocco does not describe that glue should be applied selectively to the inside surface of the bottom panel. Nor does Zocco describe that a portion of bottom surface of the first layer of filling material should remain unattached to the inside surface while another portion of the bottom surface is attached. In fact, Zocco discloses an embodiment in which the first layer of filling material is entirely unattached to the bottom panel: "An enclosed innerspring mattress of essentially the character of the preferred embodiment can be constructed without gluing of the filling material to the top and bottom panels" (*id.*, col. 6, lines 60-63).

Hence, Zocco does not describe that adhesive is applied in a region proximate to the perimeter of the side wall, or that a portion of the innercore bottom surface is unattached to the bottom panel, as recited in Applicants' independent claims. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections of claims 14 and 16. Since claims 15, 17-18, 20-21, and 23-27 each depend from one of claims 14 and 16 and add further limitations thereto, Applicants also respectfully request that the 35 U.S.C. § 102(b) rejections of these dependent claims be withdrawn.

II. Zocco and Dimitry do not teach or suggest that a portion of an innercore bottom surface is joined to a bottom panel and a remaining portion of the bottom surface is unattached to the bottom panel.

Claims 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zocco. Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zocco in view of

Dimitry. Claims 19, 22, and 28 each depend from one of claims 14 and 16 and add further limitations thereto.

For an office action to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1774). "All words in a claim must be considered in judging the patentability of that claim against the prior art." See also MPEP § 2143. Applicants respectfully submit that the combination of Zocco and Dimitry fails to teach or suggest the claimed subject matter of claims 14 and 16. Specifically, Zocco and Dimitry fail to teach and suggest that a portion of an innercore bottom surface is joined to a bottom panel and a remaining portion is unattached to the bottom panel.

As discussed above, Zocco fails to describe that a portion of an innercore bottom surface remains unattached to a bottom panel while another portion is joined. Moreover, Applicants submit that Zocco also fails to teach or suggest the above subject matter. Zocco specifically describes two particular embodiments. In the first embodiment, the first layer of filling material is glued to the bottom surface. In the second embodiment, the first layer of filling material is entirely unattached to the bottom surface. Zocco is silent regarding the possibility of only partially gluing the filling material to the bottom surface, and the Examiner has not given any reason or motivation for why one of ordinary skill in the art, when provided with Zocco, would conceive of this partial attachment, except possibly hindsight.

Moreover, Dimitry fails to make up for this lack of teaching. Dimitry is directed to extruded foam reinforcement pieces for innerspring assemblies and mattresses (Dimitry, abstract), and is silent regarding joining an innercore bottom surface to a bottom panel, much less only joining a portion of the bottom surface to a bottom panel.

For at least these reasons, Zocco and Dimitry, alone and in combination, fail to teach or suggest each and every element of independent claims 14 and 16. Since claims 19, 22, and 28 each depend from one of claims 14 and 16 and add further limitations thereto, Applicants respectfully

request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections of these dependent claims.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

We believe that we have appropriately provided for the fees due in connection with this submission. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P02-099 from which the undersigned is authorized to draw.

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Respectfully submitted,

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